

## Introduced by Senator Speier

February 22, 2005

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An act to amend Section 31720 of the Government Code, relating to county employees' retirement.

## LEGISLATIVE COUNSEL'S DIGEST

SB 877, as introduced, Speier. County employees retirement: incapacity.

The County Employees Retirement Law of 1937 provides that a member who is permanently incapacitated shall be retired for disability despite age, if, among other conditions, the member's incapacity results from injury or disease arising during the course of the member's employment and the employment contributes substantially to the incapacity.

This bill would revise those provisions to require that there be clear and convincing evidence that the employment is a substantial cause of the incapacity. The bill would also define permanent incapacity for purposes of those provisions. The bill would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 31720 of the Government Code is  
2 amended to read:  
3 31720. (a) Any member permanently incapacitated for the  
4 performance of duty shall be retired for disability regardless of  
5 age if, and only if *either of the following apply*:  
6 ~~(a)~~

1 (1) The member's incapacity is a result of injury or disease  
2 arising out of and in the course of the member's employment,  
3 and ~~such~~ *there is clear and convincing evidence that the*  
4 *employment contributes substantially to such is a substantial*  
5 *cause of the incapacity, or.*

6 ~~(b)~~

7 (2) The member has completed five years of service; and

8 ~~(e)~~ *The the* member has not waived retirement in respect to the  
9 particular incapacity or aggravation thereof as provided by  
10 Section 31009.

11 *(b) For purposes of this chapter, "permanent incapacity"*  
12 *means a mental or physical impairment that permanently*  
13 *prevents the member from the performance of a substantial*  
14 *portion of the job duties required by the member's job*  
15 *classification or those actual duties required of the member on a*  
16 *permanent basis.*

17 (c) The amendments to this section enacted during the  
18 ~~1979-80~~ 2005-06 Regular Session of the Legislature shall be  
19 applicable to all applicants for disability retirement on or after  
20 the effective date of such amendments.